


**CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION**

Meeting Date: January 15, 2014

Item: Buyer's Realty, 1451 22nd Street – Approval of Resolution for Denial – City of West Des Moines – VAR-001950-2013/VAR-2013-007

Requested Action: Approval of a Resolution for Denial

Case Advisor: Kara Tragesser, MPA, AICP 

History: On December 11, 2013, the Board of Adjustment heard a request from Buyer's Realty to vary the lot size requirement for property proposed to be platted behind the QuikTrip Store at 1451 22nd Street. After the close of the public hearing and deliberations, the Board voted to deny the request for a variance. The Board determined that not all findings could be made with the information provided to the Board.

Variance Findings: Title II of the City Codes discusses the variance procedure. All five (5) conditions must be met in order to grant a variance. Based upon a review of the submitted variance request, the Board made the following findings on the proposed project:

1. That the proposed development or use is consistent with the West Des Moines comprehensive plan and any applicable subarea plan.
2. That there are no special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography or location, which do not apply generally to comparable properties in the same vicinity and zones.

The Board determined that the platting of a new lot should be able to follow the requirements of the zoning code and that the finding was not satisfied.

3. That the strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations provided that such hardships shall not be self-imposed by the applicant or his or her successor in interest.
4. That there have been no changes in the character of the site or its surroundings which detrimentally affect the environment.
5. That the granting of such variance does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.

Staff Recommendations Based upon the Board's denial of the variance application because they determined that not all findings could be met in order to grant a variance, staff recommends that the Board of Adjustment approve a resolution for denial of a lot size variance for property at 1451 22nd Street.

Attachment:
Attachment A - Resolution

Prepared by: K. Tragesser, Development Services PO Box 65320 West Des Moines IA 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320

RESOLUTION

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, DENYING THE VARIANCE REQUEST (VAR-001950-2013/VAR-2013-007) TO VARY THE MINIMUM LOT SIZE FOR A FUTURE SUBDIVISION OF THE PROPERTY TO CONSTRUCT A 7,000 SQUARE FOOT OFFICE BUILDING

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Ron Daniels, had requested approval of variance from Chapter 9, Section 7-4, Minimum Lot Size of 16,004 square feet from the required 60,000 sq. ft., for future platting of one lot and future construction of a 7,000 square foot building on property locally known as 1451 22nd Street;

Legal Description of Property

See Attachment A

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on December 11, 2013, the Board of Adjustment held a duly-noticed public hearing to consider the application for a variance;

WHEREAS, The Board of Adjustment determined that one of the required findings had not been met; that there are no special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography or location, which do not apply generally to comparable properties in the same vicinity and zones.

NOW, THEREFORE, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings in the staff report, dated December 11, 2013, have not been met.

SECTION 2. The variance of the minimum lot size requirement of 16,004 square feet is denied.

PASSED AND ADOPTED on January 15, 2014.

Jennifer Drake, Chair
Board of Adjustment

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on January 15, 2014, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

Recording Secretary